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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,694	08/07/2002	Brian Bennie	201-0745	9319

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EXAMINER

NGUYEN, TAI T

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 12/19/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,694

Applicant(s)

BENNIE ET AL.

Examiner

Tai T. Nguyen

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 . 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Applicant must delete all references to attorney docket numbers and provide serial number and filing dates of co-pending applications.

Appropriate correction is required.

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Regarding claim 2, applicant fails to disclose the limitation of "a first tire message is missed and a second tire message is obtained."

Claim Objections

3. Claim 7 is objected to because of the following informalities:

Claim 7, line 1-2, applicant must delete "an" and insert ----the tire---- in front of "identification" and also delete "number" after "identification" in order to have a term consistence with the independent claim. Appropriate correction is required.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "first and second

messages" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Examiner is not quite understood where do the first and second messages coming from?

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 2 and 7-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 2 recites the limitation "said rolling" in line 2. There is insufficient antecedent basis for this limitation in the claim.

It is assumed that applicant intended "said rolling" to be "said rolling status."

It is also not clear that where the first and second message come from.

Regarding claim 7, applicant should clarify what is intended to be stored in the system memory. It is not clear what is meant by "identification number not stored."

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by DeZorzi (US 6,232,875).

Regarding claim 1, DeZorzi discloses a method for monitoring a tire condition comprising the steps of:

- measuring a vehicle speed (164, figure 5; col. 12, line 65 through col. 13, line 15);
- starting a timer (153, figure 5; col. 11, lines 58-65);

receiving a tire identification (figure 1; col. 3, lines 55-60 and 174, figure 5; col. 13, lines 33-48); and

setting a tire status corresponding to the tire identification to a rolling status, pending rolling status, a spare, and a pending spare in response to the timer and vehicle speed (figure 5, steps 156, 166, 168, 172, 174, and 176).

Regarding claim 6, DeZorzi discloses the timer comprising a countdown timer (col. 11, lines 8-25).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 3-5 and 7-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeZorzi (US 6,232,875).

Regarding claims 3-4, DeZorzi discloses the instant claimed invention except for the tire rolling status being set to "spare" upon lack of receipt of status messages therefrom. Since only the spare tire would not have rolling status, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the tire status would be set to "spare" upon lack of receipt of status messages in order to indicate which tire does not currently have a rolling status.

Regarding claim 5, DeZorzi discloses the timer being reset upon detection of a “spare” status (figure 5, steps 166, 168, 153).

Regarding claims 7-9, DeZorzi discloses the control process for each tire module, upon detection of motion, clearing all registers, initializing all parameters, calibrating the system, setting all flag conditions to appropriate starting values, and storing the received data in appropriate memory (col. 8, line 64 through col. 9, line 26, 73, col. 6, lines 56-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to store the values received upon the initiation process of the module in memory for the purpose of providing identification of each module.

Regarding claim 10, refer to claims 1 and 3-5 above.

Regarding claim 11, refer to claim 6 above.

Regarding claims 12-13, refer to claims 7-9 above.

Regarding claims 14-15, refer to claim 1 above, DeZorzi further discloses providing a warning status based on predetermined parameters (col. 9, lines 27-44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a warning status be provided in order to indicate a fault condition.

Regarding claims 16-17, refer to claims 1 and 3-4 above.

Regarding claims 18-19, DeZorzi further discloses an indicator being reset in response to the spare tire achieving “rolling status” (figure 5, steps 168 and 153).

Regarding claim 20, refer to claims 14-15 above and col. 15, lines 20-31.

Allowable Subject Matter

14. Claim 2 is would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Normann et al. (US 6,446,502) and Fondeur et al. (US 6,385,511).

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (703) 308-0160. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu, can be reached at (703) 308-6730. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

November 22, 2003
Tai T. Nguyen


DANIEL J. WU
PRIMARY EXAMINER

11/15/03